

REFERENCE TITLE: covered loads; commercial vehicles

State of Arizona  
House of Representatives  
Forty-ninth Legislature  
First Regular Session  
2009

# HB 2351

Introduced by  
Representatives Mason: Stevens

AN ACT

AMENDING TITLE 28, CHAPTER 3, ARTICLE 18, ARIZONA REVISED STATUTES, BY ADDING SECTION 28-1098.01; RELATING TO VEHICLE SIZE, WEIGHT AND LOAD.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:  
2       Section 1. Title 28, chapter 3, article 18, Arizona Revised Statutes,  
3 is amended by adding section 28-1098.01, to read:

4       28-1098.01. Commercial vehicles: loads: covering requirements:  
5    exemption: civil penalty

6       A. A PERSON SHALL NOT OPERATE OR MOVE OR CAUSE ANOTHER PERSON TO  
7 OPERATE OR MOVE A VEHICLE THAT IS SUBJECT TO CHAPTER 15, ARTICLE 2 OF THIS  
8 TITLE AND THAT HAS A DECLARED GROSS WEIGHT, AS DEFINED IN SECTION 28-5431, OF  
9 MORE THAN TEN THOUSAND POUNDS UNLESS THE VEHICLE LOAD IS COVERED TO PREVENT  
10 THE LOAD FROM DROPPING, SIFTING, LEAKING OR OTHERWISE ESCAPING FROM THE  
11 VEHICLE.

12       B. THIS SECTION APPLIES TO OWNERS AND OPERATORS OF COMMERCIAL VEHICLES  
13 CARRYING SAND, GRAVEL, ROCK DEBRIS, TRASH OR ANY OTHER TYPE OF LOOSE OR  
14 UNPACKAGED MATERIAL EXCEPT THAT EITHER:

- 15           1. SAND MAY BE DROPPED FOR THE PURPOSE OF SECURING TRACTION.
- 16           2. WATER OR ANOTHER SUBSTANCE MAY BE SPRINKLED ON A ROADWAY IN  
17 CLEANING OR MAINTAINING THE ROADWAY.

18       C. THE PERSON OWNING, OPERATING OR MOVING THE VEHICLE DESCRIBED IN  
19 SUBSECTION A OF THIS SECTION SHALL ENSURE THAT THE VEHICLE IS FREE OF ANY  
20 LOOSE MATERIAL THAT IS NOT COVERED OR CONTAINED IN THE CARGO AREA OF THE  
21 VEHICLE.

22       D. THIS SECTION DOES NOT APPLY TO VEHICLES CARRYING AGRICULTURAL OR  
23 FORAGE PRODUCTS.

24       E. IF A PERSON IS FOUND IN VIOLATION OF THIS SECTION AND THE  
25 VIOLATION:

26           1. DOES NOT CAUSE ANY DAMAGE OR PHYSICAL INJURY, THE PERSON IS SUBJECT  
27 TO A CIVIL PENALTY OF UP TO ONE THOUSAND DOLLARS.

28           2. RESULTS IN AN ACCIDENT CAUSING SERIOUS PHYSICAL INJURY AS DEFINED  
29 IN SECTION 13-105 TO ANOTHER PERSON, THE PERSON IS SUBJECT TO A CIVIL PENALTY  
30 OF UP TO ONE THOUSAND FIVE HUNDRED DOLLARS.

31           3. RESULTS IN AN ACCIDENT CAUSING THE DEATH OF ANOTHER PERSON, THE  
32 PERSON IS SUBJECT TO A CIVIL PENALTY OF UP TO TWO THOUSAND FIVE HUNDRED  
33 DOLLARS.

34       F. COMPLIANCE WITH THIS SECTION DOES NOT RELIEVE A PERSON FROM  
35 COMPLIANCE WITH SECTION 28-1098. A PERSON MAY BE CITED FOR A VIOLATION OF  
36 THIS SECTION AND SECTION 28-1098.